UNITED STATES PATENT AND TRADEMARK OFFICE

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AKINTOLA, OLABODE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 November 2008*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13,19-21,23 and 24* is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☐ Claim(s) *1-13,19-21,23 and 24* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date *11/05/2008*.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 11/05/2008 has been entered.

Status of Claims

Claims 1-13, 19-21 and 23-24 are pending. The rejections cited are as stated below:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness
     or nonobviousness.

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levchin et

al. (US 7089208) (Levchin) in view of Liebermann (US 7287009) (Liebermann).

Re claim 1: Levchin teaches a payment enabler operable to automatically transfer credit between

one or more stored value funds and one or more money handlers using a wide-area computer

network, the payment enabler (fig. 1) comprising: an enabler interface (fig. 1, ele. 106), the

enabler interface operable to provide a first user interface to a first user (col. 7, lines 5-8, col. 3,

lines 45-50, fig. 1, ele. 122a-122c), the first user coupled to the wide-area computer network (fig.

1), the first user associated with a first stored value fund, the first user interface including one of

a group comprising a phone interface and an internet interface, the enabler interface operable to

communicate with the phone interface and the internet interface, wherein the enabler interface is

operable to receive automated transfer information from the first user interface (col. 7, lines 5-

15, col. 3, lines 45-50, col. 1, lines 51-56) and to receive a first selection of an amount for the

automated transfer (col. 9, lines 5-8, col. 7, lines 28-31), the enabler interface operable to provide

a second user interface to a second user (fig 1, ele. 122a-122c), the second user coupled to the

wide-area computer network (fig. 1), the second user associated with a second stored value fund,

the second user interface including one of a group comprising a second phone interface and a

second internet interface, the enabler interface operable to communicate with the second phone

interface and the second internet interface (col. 7, lines 5-15, col. 3, lines 45-50, col. 1, lines 51-

56), the enabler interface operable to receive a second selection of a second money handler

chosen by the second user for the automated transfer (col. 2, lines 37-44)

a handler interface (fig. 1, ele. 108), the handler interface operable to communicate with one or more money handlers comprising at least one of a group including a credit card handler, a promotion handler, a debit card handler and a bank handler(col. 5, lines 55-60, col. 2, lines 36-44), wherein the automated transfer information includes a first selection of a first money, handler chosen by the first user for an automated transfer, and wherein the second choice of a second money handler comprises a promotion handler, a credit card handler, a debit card handler and a bank handler, wherein the second money handler is different from the first money handler (col. 5, lines 55-60, col. 2, lines 36-44);

a payment controller in communication with the enabler interface and the handler interface (fig. 1, eles. 108 and 106), the payment controller operable to determining the direction of the automated transfer with respect to a first stored value fund (col. 7, lines 12-15, col. 5, lines 55-65), the payment controller operable to automatically transfer the amount between the first money handler and the first stored value fund (col. 7, lines 12-15, col. 5, lines 55-65), to automatically transfer the amount between the first stored value fund and a second stored value fund (col. 7, lines 12-15, col. 5, lines 55-65).

Levchin does not explicitly teach an agent interface, a kiosk interface, and an ATM interface; and agent handler; wherein the second stored value fund is a temporary stored value fund; and automatically transferring the amount between the second stored value fund and the second money handler as recited in the claim.

However, Levchin teaches a plurality of interfaces (e.g. handheld or palmtop computer, smart telephone, PDA, pager (Fig.1, col. 3, lines 34-53) and plurality of handlers (col. 2, lines 37-39;

col. 5, lines 55-67). It would have been obvious to one of ordinary skill in the art at the time of

the invention to modify Levchin to include other interfaces such as agent interface, a kiosk

interface, and an ATM interface, and handlers such as promotion handler and agent handler or

any other interface/handler in Levchin's client-server configuration since these

interfaces/handlers are well known in the art as being operable to communicate with a server

system in a client-server configuration, and each of these additional interface/handler merely

would perform the same function as each separate interface as taught by Levchin. One of

ordinary skill in the art would have recognized that the results of including the additional

interfaces/handlers were predictable.

Liebermann teaches the concept of transferring money from one account to another by debiting a

customer's account and placing monies into temporary account. The money is then moved from

the temporary account to the account of the recipient (col. 12, lines 52-63). Therefore, it would

have been obvious to one of ordinary skill in the art at the time of the invention to modify

Levchin to include this feature as taught by Liebermann so that temporary account can hold the

monies for the user for a period of time and such withdrawal results in an update in the first user

account even during the period when the second user has yet to take possession of the funds.

Re claim 2: Levchin teaches, the payment controller operable to determine if a transfer period

has expired (col. 4, lines 11-12; col. 14, line 64 through col. 15, line 2).

Re claim 3: Levchin teaches the payment controller operable to if a threshold amount is crossed

(col. 5, lines 62-66).

Re claim 4: Levchin teaches wherein: the enabler interface receiving a first selection of the

amount comprises the payment controller determining the difference between the threshold

amount and a balance of the stored value fund; and the difference is equal to the amount (col. 5,

lines 62-66).

Re claim 5: Levchin teaches wherein the amount is included in the automated transfer

information (col. 4, lines 9-11).

Re claim 6: Levchin does not explicitly teach a step of electronically notifying the user of the

automated transfer, wherein the electronic notification includes at least one of a web page, an

instant message, an e-mail message, a pager message, and a wireless phone message. Official

notice is hereby taken it is old and well known in the fund transfer art to provide notification to

user of the system. It would have been obvious to one of ordinary skill in the art at the time of

the invention to modify Levchin to include this feature. One would have been motivated to do so

in order to confirm to the user that the value has been successfully transferred.

Re claim 7: Levchin teaches wherein the server computer system comprises a plurality of

computers coupled together by a computer network (figure 1).

Re claim 8: Levchin teaches wherein the first money handler includes at least one of a stored

value fund, an airline mileage program, a gift certificate issuer, an electronic gift certificate

issuer, and a money order issuer (col. 5, lines 62-66).

Re claim 9: Levchin teaches wherein the amount corresponds to at least one of: currency,

monetary value, airline mileage, promotional program points, gift certificate credit, and

commodities (col. 4, lines 34-41).

Re claim 10: Levchin teaches wherein the automatically transferring step comprises at least one

of: transferring the amount with a bank account; transferring the amount with a credit card or

debit card; transferring the amount in a check or money order; transferring the amount to an

agent location chosen by the user; transferring a telegram or a greeting card with a check or

money order for the amount; and transferring an electronic greeting card with an electronic

payment notification for the amount embedded therewith (col. 7, lines 12-15, col. 2, lines 36-45).

Re claim 11: Levchin teaches steps of: retrieving a trigger condition that initiates the

automatically transferring step; and determining when the trigger condition is satisfied (col. 5,

lines 62-66).

Re claim 12: Levchin teaches wherein the trigger condition includes at least one of: a credit

balance in the stored value find meeting a threshold; and a period of time expiring (col. 5, lines

62-66).

Re claim 13: Levchin teaches wherein the user, the handler and the payment enabler are remotely

located with respect to each other (figure 1).

Claims 19-21 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levchin in view of Liebermann as applied to claims 1-3 above, and further in view of Ogilvie (US 6631358) (Ogilvie)

Re claims 19 and 24: Levchin and Liebermann teach the limitations of claims 19 and 24 except determining if a period of time for the periodic transfer has expired. Ogilvie teaches trigger conditions including periodic basis or threshold basis (abstract, col. 8, lines 43-50). Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to modify Levchin and Liebermann combination to include this feature so that the transfer can be made on a periodic basis.

Re claim 20: This claim recites the same limitation as claim 3 and is rejected with the same rationale as claim 3 above.

Re claim 21: This claim recites the same limitation as claim 4 and is rejected with the same rationale as claim 4 above.

Re claim 23: Levchin teaches wherein the stored value fund is only accessible by the user over the wide area network (fig. 1)

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLABODE AKINTOLA whose telephone number is (571)272-3629. The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Olabode Akintola/
Examiner, Art Unit 3691